RESOLUTION *RE.* POSTPONEMENT OF THE CREATION OF BENCH MAGISTRATES.

PRESIDENT: Mr. T. K. Velu Pillai will now move his resolution which runs as follows:

"That this Council considers that the creation of Bench Magistrates for the trial of criminal cases be delayed for some years."

MR. T. K. VELU PILLAI: Sir, I beg to move the following resolution:

"That this Council considers that the creation of Bench Magistrates for the trial of criminal cases be delayed for some years".

Sir, it may be considered an act of temerity or a kind of reactionary conservatism on the part of a member of this Council to come forward with a proposal of this nature when the spirit of democracy permeates the whole atmosphere of thought and action. It is not for me to say that I am not rash, for no one can perceive his own thoughtlessness. But I can assure this Council that I am no reactionary. Democracy is a means to a certain end and that end is the welfare of society. I am so intense in my devotion to true democracy and I pitch my standard high that I guard myself carefully from the bewitching blandishments of words and phrases. I am not prepared to accept the principle of creating institutions which may do more harm than good in the name of democracy. Small concessions, Sir, are insidious injuries. They are like the sands on the sea-beach which, by their very insignificance, obstruct the waves of reform. My creed of constitutional reform is responsible government under the wise guidance of His Highness the Maha Raja and my goal is the complete subordination of the executive administration to this Legislative Council. And I feel sure that, in the not distant future, His Gracious Highness the Maha Raja, our benevolent Sovereign, will make our present wish a settled reality.

Bench Magistrates are created for two purposes, for giving relief to hard-worked stipendiary Magistrates, and for associating non-officials in the work of judicial administration. The administration of justice is recognised to be one of the obligatory functions of all Governments. The law is obeyed not merely on account of habit or morality, but because of its sanction which is enforced by the collective strength of the whole community. A non-official who is appointed or elected to the post of a Judge or a Magistrate carries with him the whole authority of the State by means of which he hopes to enforce his decisions. He is as much an official as anyone else, although he does not receive a salary. So the distinction is not between official and non-official, but between paid and unpaid functionaries, or it may be beween those elected by the people or appointed by the Executive Government. "Justice," said Burke, "is the great standing policy of civil society" and therefore it should be the prime concern of the State. The administration of justice in Travancore is very nearly to the satisfaction of

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the public and reflects credit on the Government. But the tendency of legislative policy has in recent years been in the two channels of minimising the work of paid Magistrates and Judges and affording certain powers to non-officials as a measure for the satisfaction of democratic demands. The Village Panchayat Courts were established and they have been working for the last 7 or 8 years. In the Administration Report for 1096 the Government have recognised "the satisfactory and encouraging features" of the system and they base their opinion on the number and the average duration and disposal of suits. This does not afford a qualitative test; and litigants resort to Panchayat Courts not because they are satisfied with their decisions, but because the law compels them to do so.

But, at all events, the administration of criminal law is guided by different principles. It is unfortunate that some Governments are not alive to the fact that law is a very difficult subject, full of technicalities, requiring several years of patient study to understand it in some measure and obtain a working knowledge of its principles. That is what induced Carlyle to exclaim that it is difficult to sweep the intricate foul chimneys of law. The meeting of the Magistrate's pen with his paper means stripes and fetters to the prisoner and makes "mothers weeping, fathers wailing, sisters crying, maids howling, the very cats wringing their hands, and houses in great perplexity." Criminal justice has, therefore, to be administered with great care by competent persons.

These are days of experts. They are required not merely in medicine and engineering but in sanitation and pedagogy; but it is imagined in certain quarters that the region of law can be made the sporting ground of amateur Magistrates. The abuses of bureaucratic rules have become so great that the world desires to see non-officials elevated to seats of authority; and Government, preserving for their own officers all the necessary attributes of superior power, are anxious to pour oil on troubled waters by yielding to popular opinion in matters which affect the relation of subjects between themselves as distinct from their relation to Government. The financial advantages give them a more than sufficient motive. The real reasons which induce Government to try the experiment are financial more than democratic. It is due to these causes that the Travancore Government have now taken the step of appointing Bench Magistrates, changing the Criminal Procedure Code for the purpose. The arrangement is fraught with serious consequences. Travancore is an epitome of the world in the matter of tribal jealousies, communal dissensions and religious complications. Some of the newspapers subordinate the permanent interests of the country to the evanescent considerations of caste, and view problems with the help of that artificial coloured light.

Political training is but feebly developing in the country. I found during my election compaign that candidates sometimes depend for their success not on principles but on personal considerations, communal prejudices and sectarian advantages. I am sure that this state of

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affairs is well within the personal experience of most of the members of this Council. In British India people have been serving as assessors or jurors in courts of law and it is possible that they might have developed some legal knowledge. But in Travancore even the jury system has not been introduced. It is interesting to recollect that, when it was sought to be introduced here during the administration of Mr. V. P. Madhava Rao, an experienced officer like the late Mr. Mahadeva Aiyar opposed the measure with great force, and the idea was at once dropped.

The Magistrates of these newly constituted Benches are to serve only for two years. It means that a Judge will have to vacate his dignified office no sooner than he makes up his mind to pick up some useful knowledge of law and practice. The luminary will again merge in darkness and may not again come to public view. But the hand of time will not obliterate the judgments he indicted and pronounced, nor make amends for the loss of liberty, reputation and property that came into the world through the black flow of his valuable ink. The easy manner in which those who are invested with second class powers acquire first class powers by their mere association with First Class Magistrates adds greatly to this apprehension. The Rules relating to the presentation of complaints before stipendiary Magistrates who are empowered to transfer cases to the Benches, make the whole procedure dilatory and cumbersome, besides encouraging indifference as a result of divided responsibility. A Magistrate is, and ought to be, a Magistrate whether he sits in the Curule chair or lounges on a sofa in his own private residence. He should always be within easy access to a wronged individual who seeks preventive relief no less than private or public retribution for an offence actually committed. That, Sir, is the reason which induced the law-givers of ancient Rome to declare the tribune's person sacrosanct and inviolable and that his house should be open to the public at night no less than during the day. The non-official gentleman, to whom Magisterial duty is more of a relaxation than a business, will be of but inconsiderable assistance to the public. When the necessity of a *quorum* establishes beyond doubt that any one of these dignitaries has an authority merely dormant and ineffective until he has a chance of meeting one or more of his compeers to make his authority an active agent for protection or punishment, the alleged convenience to the public becomes more of an inconvenience due to its uncertainties, difficulties and practical impotence.

The advantage of maintaining stipendiary Magistrates is obvious. Most of them are young men with academic honours and with the whole of their future life before them. There are officers of various grades to check and control them. There is the world watching them with rigorous vigilance. Sir, I do not forget the argument that there are such Benches of Magistrates in British India and England. The conditions in British India have been briefly alluded to. The conditions in England are still more different. There, these institutions had been growing for a thousand years. There are any number of well-to-do men to take up

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responsibilities, so that no Cincinnatus need leave his plough. There are a good many provisions against justices being given the opportunity to decide cases wrongly. The Council will remember that in England it is not defamatory to say that a Judge knows no law. He need not know the law, though it may sound a paradox. We learn from books on the constitutional history of England, of the ancient practice of compurgation, of the development of the Grand Jury and the Petty Jury. These institutions have had their influence on the average Britisher who may be appointed a Justice of the Peace. The witnesses here are of a different description from the witnesses in the advanced countries of the West. In Travancore the respectable classes shrink from the obligation to depose in courts of law. They are more reluctant to appear in criminal courts than in civil courts. They are—

"more disposed to shelter a criminal than to apprehend him, to screen the man who has robbed them rather than take trouble or expose themselves to vindictiveness by giving evidence against him."

The Britisher on the other hand ordinarily takes the trouble to vindicate the law. In Great Britain the law again provides other important safeguards for the proper administration of justice and prevents its abuse at the hands of inexperienced Magistrates. It is obligatory on Honorary Magistrates to have qualified persons appointed as clerks to assist them in the disposal of cases. I shall read from an authoritative book by Mr. Alexander published at the Cambridge University Press. The person appointed a Justice's clerk for a borough or a county must be a Barrister of not less than 14 years' standing, a solicitor of the Supreme Court, or a person who has served not less than seven years as a clerk to a police, stipendiary or metropolitan Magistrate. Notwithstanding these safeguards and the great powers of the Home Secretary and the Director-General of Prosecutions, the public do not appear to be quite satisfied with Honorary Justices. The learned author quoted observes:

"It cannot, however, be denied that there is considerable dissatisfaction with the present system of unpaid and untrained Magistrates even with the assistance of a trained clerk. The infusion of a democratic element by the putting of Chairmen of District Councils on the County Bench, and the appointment of a certain number of working-men magistrates in Boroughs have done something to allay this feeling, but there is still a strong wish for the appointment of a much larger number of stipendiary Magistrates in populous places. Rightly or wrongly, they are believed to occupy a position of greater independence and freedom from external influences".

When the feeling in England regarding non-official Magistrates is of the above description, the experiment is not likely to succeed in this State where politics has not yet got over the considerations of caste and tribe and sect. I am surprised to find that, in making appointments to judgeships in Panchayat Courts, the Government have accepted the rule of communal representation to a ridiculous extent, forgetting such qualities as education and public spirit which are primarily necessary for a due discharge of judicial functions. I do not believe that Government are over sanguine of the results of this experiment which is intended more for advertisement than for use. It is interesting to find that the

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area within the Trivandrum Fort is exempted from the operation of the new law. As the central portion of the metropolis and the heart of the State, and as the place under the immediate cognisance of Royalty, the Fort should have been selected for the working of the Bench Magistrate system. The omission—I may say the deliberate omission—of the Fort from the expected blessings of the non-official judiciary is, therefore, a very significant circumstance and forms an excellent reason for the acceptance of the resolution. Justice, Sir, is more valuable than paper democracy and I hope that the resolution will commend itself to this Council.

MR. M. N. PILLAI: In rising to second the motion ably moved by my friend, I wish to make myself clear. I am not opposed to the introduction of the popular element in the administrative machinery, but I am decidedly of opinion that, in the matter of administration of justice, especially when it affects the reputation and safety of citizens, no false idea of popular government should in any way be allowed to affect its efficiency. The only consideration in this matter should be one of efficiency. Of course, it would be better to introduce a popular element in this, if it will not affect the efficiency. Knowing as we do the principle that guides the authorities, namely, the principle of representation of different communities on such bodies, we cannot extend our sympathies to the proposed measure.

The principle of representation of communities is based upon the belief in the existence of communal jealousies. It is dangerous to introduce this measure, when communal jealousies are in full swing as they are supposed to be. Common aspirations and traditions will, in course of time, remove these jealousies, and it is only then that we can safely bring in these measures. Hence, I second the motion.

MR. A. GOVINDA MENON: Sir, I am extremely surprised to see a gentleman like Mr. T. K. Velu Pillai bringing a resolution of this kind, because along with him I have been repeatedly demanding self-government in the Popular Assembly for about 18 years successively. If this is not a self-governing institution, I do not understand what else it could be. Mr. Velu Pillai just now contended that it was high time to place the executive under the Legislative Council to safeguard the rights of the people. And if the people cannot be entrusted with such elementary functions of government, I do not know whether they can be entrusted with any control of the executive branch of the administration. I cannot for a moment countenance Mr. Velu Pillai's view. I do not say that the way in which the Bench Magistrates are now selected is good.

MR. T. K. VELU PILLAI: I wish to ask one question. Would he have an elected Judge in the High Court?

MR. A. GOVINDA MENON: As time advances, I may desire it. But it is not time now.

I rose to speak, because, though I am not a student of history, I have got enough knowledge of psychology as a student of philosophy. I do not understand the psychology of the mind which, while demanding

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self-government at the beginning of a sentence, refuses to recognise the capacity of the people to exercise self-government in its concluding portion.

MR. T. K. VELU PILLAI: I want to explain. I am sorry that people misunderstand me. I want to explain myself.

PRESIDENT: You may explain in your reply.

MR. T. K. VELU PILLAI: I shall do it now, so that other members may benefit by it. My explanation is this. I can very well understand the difference between asking for the control of the executive by the legislature—

PRESIDENT: Such full explanation you may give in your reply.

MR A. GOVINDA MENON: One of the chief grounds advanced by Mr. Velu Pillai for the postponement of the creation of Bench Magistrates is that this institution will create communal jealousy. I suppose the argument would apply equally to this Legislative Council. If he is prepared to say that no Legislative Council is wanted, I am prepared to say that no Bench Magistrate is also necessary.

Another argument of Mr. Velu Pillai is that people do not believe in the sense of justice of these Bench Magistrates. This may sometimes be true, but if we are to apply the same argument, then we shall find that the same can be said of the other Magistrates also. We cannot say that all Magistrates are pure. There are among officers, men, though their number is small, who sell appointments and justice. But is that a reason why we should not have any Government at all? If we proceed in such logical manner, we shall have to deny ourselves the benefits of a civilised Government, and to regard anarchy as better than any known form of Government. That communal jealousy would, in any way, be increased by the existence of these Magistrates, I must utterly deny. Of course, each community may desire representation on such Benches. That is but natural. But, to state that, if a member of one community is selected or appointed as a Magistrate, he would perpetually act to the disadvantage of communities other than his own is to enunciate a a maxim the soundness of which I must totally deny. The very suggestion of such a result is an insult to the intelligence of the people of this country.

MR. T. K. VELU PILLAI: I want to know whether it is not within Mr. Govinda Menon's knowledge that candidates in the Legislative Council elections have not been utilising the fact that they belong to a particular community as a passport to being elected.

MR. A. GOVINDA MENON: I am certainly aware of that fact. I fully understand the inference implied in the suggestion made by Mr. Velu Pillai. That was but when you went in for the election. When that was over, the communal spirit which was roused by the interested parties faded away at least among the masses of the people. At election times, more or less the same conditions exist in England and other countries also. But can anybody say that the elections in those countries

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are purely decided by the so-called tickets issued by party leaders? Each class prefers its own men; but there are ever so many considerations in the election of a particular candidate from a constituency. Party or communal considerations may influence a man a good deal in voting, but they are not certainly the only ones which would influence his final choice.

Arguments like these are of no value, and they are not such as should be advanced in a Council like this. True, the selection of Bench Magistrates is faulty at present, but that is no reason for the indefinite postponement of their creation. Hence I beg to oppose Mr. Velu Pillai's motion.

MR. R. KRISHNA PILLAI: Sir, I beg to oppose the motion. I must confess to a feeling of surprise that a resolution of this kind should have been put forward from the other side of the House. When the Criminal Procedure Code Amendment Bill, providing for the constitution of Bench Magistrates, was introduced into the previous Legislative Council, it was enthusiastically welcomed by the non-official members who expressed their warm appreciation of the desire of Government to take the people into their confidence and seek their co-operation in discharging certain judicial functions. The Bill was passed practically without any opposition and it became law as Regulation VI of 1097, eleven months ago. Now, it is suggested that the application of the law should be deferred for some years to come. For how many years, the mover is not in a position to say. The object of the Government in proposing the institution of Bench Magistrates is not only to give relief to the stipendiary Magistrates in the trial of minor offences and thus enable them to concentrate attention on the disposal of important cases, but also to afford an opportunity to the people—the educated portion of the people—to take a real share in the administration of criminal justice, as has been done in the case of civil justice. The system of trial of criminal cases by ordinary Bench Magistrates is working remarkably well in the Madras Presidency and I fail to see how it would not be a success in Travancore. Travancore is by no means behind the rest of the Presidency in point of education and public spirit.

MR. T. K. VELU PILLAI: I wish to know whether the member is aware of the fact that there is an institution in British India called jury and also assessors—

MR. R. KRISHNA PILLAI: Yes.

MR. T. K. VELU PILLAI: ..... and that they have been doing good work for a long time.

MR. R. KRISHNA PILLAI: Ordinarily, the recruitment of honorary Magistrates in British India is not confined to assessors and juries. They are recruited from all classes. This is a measure which deserves the whole-hearted support of the House. Further, the trial of a case by a Bench consisting of more than one person must be more satisfactory than the trial by a single stipendiary Magistrate. It may be that the stipendiary Magistrate has a better knowledge of the technicalities

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of law than honorary Magistrates. But the latter with their practical common sense and local knowledge will be able to arrive at more satisfactory conclusions as regards the guilt or innocence of the accused placed before them for trial.

As regards the prevalence of communal jealousies and differences which my friend emphasised so much, I do not think that they prevail to any appreciable extent in Travancore. If they do prevail, the only remedy is to give the people an opportunity—

MR T. K. VELU PILLAI: Sir—

PRESIDENT: Will you kindly allow Mr. Krishna Pillai to finish his sentence?

MR. T. K. VELU PILLAI: In some cases the sentences will run up to a great length.

PRESIDENT: I am afraid I cannot help that.

MR. T. K VELU PILLAI: Then, as soon as he finishes this sentence, I will ask—

MR. R. KRISHNA PILLAI: ..... to work for a common cause on a common platform.

PRESIDENT: Mr. Velu Pillai, you may now put your question.

MR. T. K. VELU PILLAI: Is the Chief Secretary aware that there have been several complaints to the High Court, the Dewan, and to the District Magistrates suggesting that, because a Magistrate or a Judge or a Munsiff was of a particular community, he loved the community to which he belonged at the expense of other communities?

MR. R. KRISHNA PILLAI: If that is the objection, it applies to stipendiary Magistrates as well.

Then as regards Mr. Velu Pillai's observation that the Fort is excluded from the operation of the Trivandrum Bench Magistrates' Court, I may tell him that the reason is that there is a stipendiary Magistrate for the Fort—I mean the Utsavamatam Magistrate—who has sufficient time to devote to the disposal of cases arising within his jurisdiction. Hence it would be unnecessary to saddle the Bench Court with the trial of cases arising within the Fort.

MR. T. K. VELU PILLAI: Is there not a Stationary Second Class Magistrate at Killippalam?

MR. R. KRISHNA PILLAI: Yes. He deserves releif, while the Utsavamatam Magistrate does not require any help, as he is not so overworked as the Town Magistrate.

MR. T. K. VELU PILLAI: Will the Chief Secretary tell me if this is designed merely to help the Magistrate?

MR. R. KRISHNA PILLAI: I mentioned at the very outset that the object of Government in instituting Bench Courts is to give relief to the stipendiary Magistrates.

PRESIDENT: That was not the sole object, you mentioned.

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MR. R. KRISHNA PILLAI: Yes, there is another object also, as I have already mentioned. This Council is constituted on a more popular basis than the previous Council, and I earnestly request the House not to deprive the public of the privilege conferred upon them by the previous Council. The original idea of Government was to establish Bench Magistrates' Courts in all the municipal towns with the exception of Shencottah. But it has since been resolved to open such courts only in eight towns, namely, Nagercoil, Trivandrum, Quilon, Alleppey, Kottayam, Changanachery, Tiruvalla and Kayankulam, first class courts being opened in the first four towns and second class courts in the remaining towns. The question of extending the system to other towns will be considered only after some experience is gained of the working of the system in these eight towns. Even in regard to the Bench Courts to be established, it is not the intention of Government to empower the Bench Magistrates to try all the offences enumerated in Sections 236 A and 236 AA of the Criminal Procedure Code. When these Sections were discussed in the previous Legislative Council, Mr. G. Parameśvaran Pillai, who, I am glad to note, is one of the members of this Council, wanted a proviso to each of the two Sections to the effect that no Bench Magistrate should try summarily cases in which it becomes necessary to decide any matter in dispute concerning title to or possession of immovable property. He also suggested that cases under Sections 379, 448 and 427, *i.e.*, relating to theft, criminal trespass and mischief, should be excluded from the category of offences to be tried by Bench Courts. This suggestion will be borne in mind and the jurisdiction of the Bench Magistrates' Courts will be limited to the other offences mentioned in Sections 236 A and 236 AA.

With these observations I oppose the motion.

MR. J. JOHN NIDIRY: Sir, I also oppose the resolution. I do so not only as a member of the former Council who supported the creation of Bench Magistrates, but also as one who thinks that the step suggested by my friend, Mr. Velu Pillai, is a retrograde one. As members of a more advanced Council, we should not help such a retrograde movement. Further, I am of opinion that the evil that has been pointed out in the creation of Bench Magistrates could be avoided by proper selection of men. Of course, I am not unaware of the fact that many of our best men are not forthcoming to do this kind of honorary work. No doubt, the selection of men for such honorary work by the District Officers is very often not satisfactory and made without scrutiny and care. So far as my knowledge goes, I am of opinion—

PRESIDENT: That does not arise here. The question is whether there should be Bench Magistrates or not.

MR. J. JOHN NIDIRY: My submission is that that was one of the objections raised by my friend as a reason for delaying the establishment of Bench Magistrates. What I say is that the danger may be avoided or at least minimised by a little more scrutiny and care on the part of the District Officers. With these remarks, I oppose the resolution.

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[Mr. K. P. Raman Pillai.]

MR. S. SUBRAHMANYA KARAYALAR: Sir, I also oppose the motion of Mr. T. K. Velu Pillai on the ground that the country is ever progressing and that there is no use of stopping that progress. He fears that this institution will create jealousy. As long as human beings exist jealousy also will exist. It is born with men. If jealousy goes away, much of the evil among castes will also disappear. We can never be without jealousy. Even our Trinities are jealous of one other. So, we must progress. We must appoint honorary Magistrates as in British India. The services of retired men can be utilised to great advantage. I know that as a matter of fact Mr. Ponnambalam Pillai who retired fifteen years ago from our State Service is a member of a Bench Magistrates' Court in British India. Why not others follow the same course? Some of our eminent officers who have retired are strong enough to do public service. They may be appointed as Bench Magistrates. Under such circumstances I strongly oppose the motion of Mr. T. K. Velu Pillai and propose that the appointment of Bench Magistrates be given effect as early as possible.

MR. C. J. CURIEN: Sir, while agreeing that a certain amount of scrutiny should be exercised in the selection of Bench Magistrates, I oppose the motion.

MR. PAUL V. DANIEL: Sir, I oppose the motion brought forward by my friend, Mr. T. K. Velu Pillai, and, in doing so, I think I shall be failing in my duty, if I do not place before this Council certain objections raised by some of our learned brethren outside. They think that the country is not ripe enough for Bench Courts as constituted at present, that there will be difficulty to find competent men and thereby there is the fear of the liberty and honour of a citizen being tampered with and of the public losing all confidence in the administration of justice, that no summary jurisdiction should be vested in the Bench Magistrates and that provision should be made to have regular appeals as in the ordinary cases disposed of by Magistrates.

While agreeing with the principle of the objections detailed above, I think that, in places where the services of competent men could be procured, Bench Courts might be introduced with great advantage. I fully believe the Government will take all possible care in the choice of Bench Magistrates.

MR. K. P. RAMAN PILLAI: Sir, my friend, Mr. Govinda Menon, although a philosopher, has been unable to find out the psychology of the mover. To me he appears to be a conundrum. He assures us that he is not a reactionary. At the same time he puts forward this proposition seriously before the House for its acceptance. My own impression was that he would discuss the matter just to point out to the House that there are certain drawbacks, certain mistakes, committed by persons who are in charge of popular institutions at present—mistakes which are inevitable and which often occur in the initial stage and which make them perfect in the long run—and with that I hoped my friend would withdraw his resolution. But I am surprised to find that he has put it

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seriouly before us. I listened to his speech very carefully, but I have not been able to note down any very serious objection which an ordinary thoughtful man would take into consideration. He said that the administration of law requires experts and that in England the remedy found out is to appoint Barristers of 14 years' standing as clerks. But when we consider the powers transferred to the Bench Magistrates, we find that after all they affect only very simple offences such as assault, simple hurt, theft and so forth. So far as I know the country, I am strongly of opinion that there are several persons in the country parts as well as in towns, who possess more common sense than many a vakil of 14 years' standing, and it will not at all be unsafe to entrust the administration of justice in regard to these simple matters into their hands with the help of a clerk who will put them in the way—a clerk, the type of whom is ordinarily available in the Magistrates' Courts. With their help, I am sure, these honorary Magistrates should be able to discharge their duties satisfactorily. Mr. Velu Pillai himself might know that very simple cases are now-a-days exaggerated. For example, an ordinary case of assault, when it reaches the court, or rather the complaint writer, who is often seen in the vicinity of our courts, becomes one of grievous hurt. Often a simple theft develops into robbery for the purpose of its being handled by a First Class Magistrate. Such exaggerations, I am sure, will never escape detection if the matter is left in the hands of the ordinary honorary Magistrates who move with the people and who are in a position to know the various persons of the locality. I was again very much grieved to hear Mr. Velu Pillai objecting to the institution of Bench Magistrates on the ground that there is considerable *tribal* jealousy in the land. So far as I know of the country—and I can speak with authority only regarding matters in Central and North Travancore—I can assure him that there is nothing of the kind. It is put forward by the so-called self-constituted leaders of the country, who are slowly getting discredited, to serve their own purpose. In a country like Travancore inhabited by different classes of people, living close to one another, it is impossible for us to get on with this kind of communal jealousy that is being depicted before us from time to time. In country parts, Christians and Nairs, Christians and Brahmins, Ezhavas and Christians, all move just like brothers. But, no doubt, once in a way, the so-called leaders wake up each community, hold public meetings and send telegrams in their name, the ignorant people knowing nothing about them, and there it ends. The remedy for this kind of *tribal* jealousy does not lie in opposing a measure of this kind. On the other hand, I am sure, by the inauguration of popular institutions, the various representatives of the people are made to move on shoulder to shoulder thus enabling this kind of jealousy to disappear in course of time.

Then we find another objection in Mr. Velu Pillai's resolution. He said something about the elective principle in appointing Magistrates and about the person of the tribune being sacrosanct and all that. I did not catch his meaning. If he means that those whom the honorary Magistrate would have convicted might wreak vengeance on him when he gives up his place—

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[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI: Sir, I am very sorry that he misunderstood me like that. All that I meant was that the stipendiary Magistrates would always be available to the man who wants to complain.

MR. K. P. RAMAN PILLAI: I daresay that, if you put your confidence in the Travancore Government, they will take particular care to see that when one honorary Magistrate hands over charge, there will be another to take his place. Then again, the resolution is very indefinite. It says—

"that this Council considers that the creation of Bench Magistrates for the trial of criminal cases be delayed for some years".

It is as vague as anything. When I read it what came to my mind was the promise of the so-called bureaucracy in British India regarding the granting of self-government to the people there. They say: "We will give you all you want in some years". What they in British India want is some definiteness. Now Mr. Velu Pillai from the non-official side wants this thing to be postponed for some years. I do not know for how many years. It is a stock argument for the reactionary to say that the people are not fit for such a thing, that there are tribal jealousies among them, that they are not ready enough, that it must take some years more, that the people are not mature enough to share the confidence of the Government, and so forth. I should consider it an insult to the education and intelligence of the people of Travancore that such a resolution should be seriously put forward for the consideration of the House. Government are spending hundreds of thousands of rupees in educating the people. It is not to make them reactionary, and it is not for them to come forward and say that they are not fit to share in the administration of justice, when His Highness' Government are asking the popular representatives of the people to take over this responsibility. That simply means that the representatives are not ready for any bit of sacrifice on their part. They are awfully selfish. (*Hear, hear.*) They do not want other people to share those powers. As far as possible they want to arrogate to themselves all these powers and never give them to the upcountry people, who might also be in a position—perhaps in a better position—to discharge these duties. It is also not a compliment to the leaders—the political leaders of the country—and also to the representatives themselves—

PRESIDENT: Your time is up.

MR. K. P. RAMAN PILLAI:...who are and who ought to guide the people in the proper way to prevent all jealousies and advance the path of further progress.

With these few words I oppose the motion.

MR. T. K. VELU PILLAI: Sir, I shall be really sorry if the valuable time of this Council is taken up by the discussion of a motion which does not, after all, seem to have any chance of being carried. My learned friend, Mr. Raman Pillai, accused me of insulting the intelligence of this Council by inserting the words "some years" in the text of my resolution. I must strongly demur to that statement.

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MR. JOSEPH PANJIKARAN: I rise to a point of order. I want to know whether Mr. Velu Pillai is giving his reply.

PRESIDENT: I believe so; I believe he is replying.

MR. T. K. VELU PILLAI: I know the education and the intelligence of the members of this Council, and, I am sure they would understand the words in their usual acceptation. "Some" implies more than one. It may be two years or three years or perhaps very many more, to which the constitution of these Bench Magistrates may be postponed.

The objections on the other side were that Travancore is eminently fit for constitutional government and that greater and greater privileges should be conferred on the people. I am exactly of that opinion, although I fail to see the wisdom of putting a square man in a round hole. If we can really get good men appointed as members of these Benches, I would, of course, congratulate Mr. Raman Pillai and the other members who have spoken against the motion. But my only difficulty is that the right kind of men are not coming forward. I am in possession of facts, Sir, which enable me to say that, although Government kindly offered to appoint some respectable men as members of these Benches,—

PRESIDENT: Am I to understand that you are going to withdraw the motion?

MR. T. K. VELU PILLAI: I would speak and then decide if I should withdraw the motion.

PRESIDENT: I am afraid you cannot speak then. If you are going to withdraw, you should not discuss the subject now.

MR T. K. VELU PILLAI: I have not said I am withdrawing.

PRESIDENT: That is what I am asking you.

MR. T. K. VELU PILLAI: I want to ascertain the sense of the House and also give them due explanation for the position I have taken.

PRESIDENT: You say that you do not want to take up the valuable time of the Council on "a motion which does not, after all, seem to have any chance of being carried." Then, this may become an unnecessary discussion.

MR. T. K. VELU PILLAI: I do not think that many people are going to speak on this subject at this stage.

PRESIDENT: After you have spoken, no one else excepting the official member in charge can speak.

MR. T. K. VELU PILLAI: I have got certain facts which enabled me to bring forward this resolution. The appointment of Bench Magistrates was offered to several people and they declined. Some who have so declined gave me the information themselves. This is certainly against the very optimistic picture now painted before this House by Mr. Raman Pillai

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[Mr. C. P. Kochukunju Pillai.]

Sir, as is very well known to this Council, the object of giving notice of resolutions is as much to get subjects threshed out in all their details as it is to secure their acceptance by the House in their entirety.

I may also mention one other circumstance. Although it is some days since I gave notice of the resolution, although it has been published in the papers, not a single individual, not even Mr. Raman Pillai told me that it was a wrong resolution—

MR. K. P. RAMAN PILLAI: He did not ask me

MR. T. K. VELU PILLAI: ..... and that I should withdraw. On the other hand, a number of people, about ten or twelve of my friends here, whose names I do not wish to mention, told me that it was a very necessary resolution. (*Laughter.*) Now, I have attained the object with which I gave notice of this resolution, *i. e.*, impressing upon Government the necessity to pick out the very best men, so that their action may be above reproach. As soon as I gave notice of this resolution, I went and saw the Dewan and told him that there was a resolution like this and that he should not appoint Bench Magistrates till my resolution had been considered by the Council. The Dewan, with his characteristic consideration, told me that this was a tentative measure and that it would be confined to six or seven places. Well, Sir, on account of that assurance, I have made up my mind to withdraw my resolution, because it is only a tentative measure. My object was, as I already observed, to impress upon the Government the urgent and important necessity of selecting good men and to adopt such other safeguards in making the administration of justice consistent with the liberal policy pursued by them.

PRESIDENT: I do not think I said that it was a tentative measure. I remember I said that it would be started in a few places and that, as experience was gained, further extension would be decided on.

MR. T. K. VELU PILLAI: That was what I meant by a tentative measure. I withdraw my motion.

The resolution was, by leave, withdrawn.

RESOLUTION *RE.* PRINTING AND PUBLICATION OF VERNACULAR TEXT-BOOKS BY GOVERNMENT.

MR. C. P. KOCHUKUNJU PILLAI: Sir, I beg to move the following resolution:

"That this Council recommends to the Government that text-books in the vernacular for use in schools be printed and published by Government."

In moving this resolution for the acceptance of this House, I wish to say a few words in support of it. This is not the first time when, nor the first place where, this subject of vernacular text-books has been brought before the public or the Government. In the Council, in the Assembly, in the press, and on the platform, vernacular text-books have been the subject of interpellations, representations, and sharp and

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